

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 76

April 18, 1996, 10:17 p.m.
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HEALTH INSURANCE REFORM/More Medicare Fraud Provisions

SUBJECT: Health Insurance Reform Act of 1996 . . . S. 1028. Kennedy motion to table the Harkin/Baucus amendment No. 3683.

ACTION: MOTION TO TABLE AGREED TO, 62-36

SYNOPSIS: As reported with an amendment in the nature of a substitute, S. 1028, the Health Insurance Reform Act of 1996, will make health insurance more accessible, portable, and renewable.

The Harkin amendment would enact provisions intended to reduce Medicare waste, fraud, and abuse, as follows:

- beneficiaries would have a right to receive itemized bills for services they received;
- rewards would be given for providing information that led to a fraud conviction;
- Medicare payments for certain wasteful and unnecessary items would be prohibited;
- private companies that administer Medicare would be given the authority to reduce payment for items they thought were grossly overpriced;
- a fine would be established for knowingly providing a false certification that a patient met Medicare home health coverage criteria;
- bills for surgical dressings would be itemized;
- Medicare would be required to replace its outdated computer systems with state-of-the-art private sector computer software to detect and stop billing abuse; and
- a uniform application and benefit claims form would be developed.

Debate was limited by unanimous consent. Following debate, Senator Kennedy moved to table the Harkin amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

(See other side)

YEAS (62)			NAYS (36)			NOT VOTING (2)	
Republicans (49 or 96%)		Democrats (13 or 28%)	Republicans (2 or 4%)		Democrats (34 or 72%)	Republicans (2)	Democrats (0)
Abraham	Helms	Breaux	Grassley	Akaka	Hollings	Campbell- ²	
Ashcroft	Hutchison	Bryan	Jeffords	Baucus	Inouye	Mack- ²	
Bennett	Inhofe	Daschle		Biden	Kerry		
Bond	Kassebaum	Dodd		Bingaman	Lautenberg		
Brown	Kempthorne	Ford		Boxer	Leahy		
Burns	Kyl	Johnston		Bradley	Levin		
Chafee	Lott	Kennedy		Bumpers	Lieberman		
Coats	Lugar	Kerrey		Byrd	Mikulski		
Cochran	McCain	Kohl		Conrad	Moseley-Braun		
Cohen	McConnell	Moynihan		Dorgan	Murray		
Coverdell	Murkowski	Nunn		Exon	Pell		
Craig	Nickles	Reid		Feingold	Pryor		
D'Amato	Pressler	Robb		Feinstein	Rockefeller		
DeWine	Roth			Glenn	Sarbanes		
Dole	Santorum			Graham	Simon		
Domenici	Shelby			Harkin	Wellstone		
Faircloth	Simpson			Heflin	Wyden		
Frist	Smith						
Gorton	Snowe						
Gramm	Specter						
Grams	Stevens						
Gregg	Thomas						
Hatch	Thompson						
Hatfield	Thurmond						
	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

The fraud and abuse provisions which were adopted in the Dole/Roth amendment were truly non-controversial. They were developed over several years by Senator Cohen with the participation of Congress, the Administration, consumer groups, Health and Human Services, and medical care providers. Last year, they passed both the House and Senate and were part of the reconciliation bill, plus they were included in the Administration's budget reconciliation package. The support for the Medicare fraud provisions which the Senate has just agreed to on this bill is universal.

The same cannot be said for the proposals that are in the Harkin amendment. We will not argue the merits of those proposals. The important point is that they have not been thoroughly vetted. In the end, they may prove to have broad support, but they do not have that support now. We know, for instance, that the Health Care Finance Administration (HCFA) of the Department of Health and Human Services strongly objects to the section that will require HCFA to buy commercial software. Again, we are neither siding with HCFA nor the proponents of the Harkin amendment on this software proposal, nor are we taking any position on any other part of the amendment. Instead, we are simply opposing it because its effect is uncertain and because we do not want to load down this bill with controversial items.

Those opposing the motion to table contended:

The General Accounting Office estimates that 10 percent of Medicare costs, \$18 billion, are due to waste, fraud, and abuse. No one disputes that estimate, and everyone agrees that steps should be taken to reduce the amount lost each year. The Dole-Roth amendment which the Senate just adopted contained provisions advanced by Senator Cohen which will help in that regard. However, much more still needs to be done. The Cohen provisions only took the first step. The Harkin amendment would take the next step.

Our colleagues are familiar with the proposals in the Harkin amendment. They have all been recommended by the General Accounting Office, the Department of Health and Human Services Inspector General, or by private sector medical experts, and they have all been extensively reviewed by the Labor Committee. Unlike previous amendments offered by the Senator from Iowa on this subject, this particular amendment does not contain a requirement for competitive bidding, because that requirement is controversial. We understand that Senators only wish to consider non-controversial amendments to this particular bill, so we deliberately selected only those reforms which we believe have very broad support. We hope our colleagues agree, and will join us in opposing the motion to table the Harkin amendment.